

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OKSANA KULISH,

Plaintiff,

-v-

ACCELERON PHARMA, INC. *et al.*,

Defendants.
-----X

21 Civ. 8676 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:


Plaintiff filed the Complaint on October 22, 2021, but the docket reflects that the complaint was never served on Defendants. On January 21, 2022 the Court ordered Plaintiff to file a letter by January 28, 2022 showing good cause why Defendants were not served with the summons and complaint within the 90 days that Rule 4(m) of the Federal Rules of Civil Procedure requires. *See* Dkt. 5. That order said that “[i]f the Court does not receive a letter by January 28, 2022, showing good cause why such service was not made within the 90 days, the Court will dismiss the case.” *Id.* Plaintiff did not file the required letter.

Rule 4(m) says that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Because Plaintiff has not served Defendants within the 90-day requirement and failed to comply with the Court’s order to show good cause for the failure to serve, the Court dismisses this case without prejudice.

The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: January 30, 2022
New York, New York



JOHN P. CRONAN
United States District Judge